

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff

5 v.

6 PHILLIP D. HURBACE, SYLVIANE
7 WHITMORE, and LARRY McDANIEL,

8 Defendants

Case No.: 2:17-cr-00110-APG-DJA

**Order Denying Motion to Reconstruct
and/or Settle the Record**

[ECF No. 579]

9 Sylviane Whitmore and Larry McDaniel move for an order setting a hearing to
10 reconstruct the record in this case due to missing trial transcripts. ECF No. 579. The
11 Government responds that no hearing is necessary as the process the defendants need to follow is
12 set forth in Federal Rule of Appellate Procedure 10(c). ECF No. 582. Whitmore and McDaniel
13 now agree to follow that procedure. ECF No. 585.

14 I THEREFORE ORDER that the defendants' motion to reconstruct the record (**ECF No.**
15 **579) is denied without prejudice.** The defendants must follow the process set forth in Federal
16 Rule of Appellate Procedure 10(c). The parties may thereafter submit a stipulation or motion for
17 settlement and approval of the record.

18 DATED this 4th day of February, 2025.

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21 ANDREW P. GORDON
22 CHIEF UNITED STATES DISTRICT JUDGE
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